

Draft Revisions of
*MINIMUM STANDARDS FOR VIRGINIA DELINQUENCY PREVENTION AND
YOUTH DEVELOPMENT ACT GRANT PROGRAMS*

6VAC35-60-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Alternative day treatment" or "structured day programs" means nonresidential programs that provide services, which may include counseling, supervision, recreation, and education to referred juveniles at a central facility.

"~~Biennial Operating Annual Plan~~" means a written plan, covering ~~two fiscal years~~ a single fiscal year, setting forth measurable goals and objectives for developing, coordinating, and evaluating youth services. The ~~Biennial Operating Annual Plan~~ is to be based primarily on the six-year Delinquency Prevention and Youth Development Plan on an assessment of the community(s) needs.

"Background check" means any part or any combination of the following tools used to determine whether there are criminal acts or other circumstances that would be detrimental to the safety of youth or families: a copy of a criminal history check with the automated Virginia Criminal Information Network (VCIN), a copy of a criminal history check with the National Criminal Information Center (NCIC), a fingerprint check by the Virginia State Police and the FBI, a central registry check, in addition to a driving record check where applicable to job function.

"Counseling" means the planned use of interpersonal relationships to promote behavioral change or social adjustment.

"~~Delinquency Prevention and Youth Development Plan~~" means a document, developed every six years, which analyzes the problems, opportunities and conditions of youth and concludes with a plan of action to meet identified needs.

"Department" means the Department of Juvenile Justice.

"Direct service programs or services " means programs or services in which Office on Youth staff or assigned Youth Services Citizen Board members or both Office on Youth volunteer(s), providing substantial are the primary providers of a service involving ongoing person-to-person contact with youth or families or both for purposes of instructional or skills development training.

"Individual service plan" means a written plan of action developed, and modified at intervals to meet the needs of each juvenile. It specifies short-term and long-term goals, the methods and time frames for reaching the goals and the individuals responsible for carrying out the plan.

"Local governing body" means a city council or county board of supervisors. ~~Any Youth Services Citizen Board and Office on Youth that provides services to more than one governmental jurisdiction must have the endorsement and support of all affected governing bodies.~~

"Locality" means the city, county or combination thereof served by a ~~Youth Services Citizen Board~~ an Office on Youth .

"Monitoring review" means the written report completed by the department's prevention specialist based on an on-site review of the progress made toward goals and objectives identified in the Office on Youth's Annual Plan.

"Office on Youth" means the staff and the place of business of the staff of the ~~Youth Services Citizen Board~~ local entity funded by the authority of the Delinquency Prevention and Youth Development Act.

~~"On site status report" means the semi-annual written report completed by the department's regional office staff based on a visit to the office on youth to review progress on the office's Biennial Operating Plan.~~

"Sponsoring locality" means the locality that is the fiscal agent or administrator of the grant.

"Supervision" means visiting or making other contact with or about, or providing treatment, rehabilitation or services to a juvenile as required by the court, court service unit staff, or a designated referral source.

"Time-out" means a systematic behavior management technique designed to reduce or eliminate inappropriate behavior by temporarily removing a juvenile from contact with people or other reinforcing stimuli.

"Volunteer" means any individual or group who, of their own free will and without any financial gain, provide(s) goods or services to the program without compensation.

"Youth Needs Assessment" means an objective assessment of the community's youth development and delinquency prevention needs and resources.

"Youth Services Citizen Board" means the board appointed by the county or city governing body or combination thereof.

Part II

Youth Services Citizen Board Administration

~~6VAC35-60-20. Ordinance required.~~ [to be repealed; already covered in Code § 66-29.]

~~The Youth Services Citizen Board shall be established by an ordinance or resolution of the governing body or bodies of one or more localities in accordance with §§66-29 and~~

~~66-34 of the Code of Virginia, and shall derive its authority from and be administered by the local governing body or bodies.~~

~~**6VAC35-60-30. — Appointment of Youth Services Citizen Board members.**~~

~~[to be repealed; already covered in Code § 66-34 .]~~

~~The members of the Youth Services Citizen Board, a majority of whom shall be citizens who are not employed by government or service agencies and who are not elected government officials, shall be appointed by the local governing body or bodies. At least one member shall be below the age of 18 years.~~

6VAC35-60-40. Terms.

Youth Services Citizen Board members shall be appointed for a term of no less than three years and not more than five years and may be reappointed; appointments shall be staggered for continuity. Youth members shall serve one-year terms and may be reappointed as eligible.

6VAC35-60-50. Restrictions.

No title, position or agency shall be appointed to the Youth Services Citizen Board.

6VAC35-60-60. Officers and bylaws.

The Youth Services Citizen Board shall elect its own officers and establish its own bylaws.

6VAC35-60-70. [Repealed]

6VAC35-60-71. Youth Services Citizen Board responsibilities.

The responsibilities of the Youth Services Citizen Board shall be delineated in writing in a form approved by the local governing body.

6VAC35-60-80 to 6VAC35-60-160. [Repealed]

Part III

Office on Youth Administration

Article 1

Goals and Objectives

6VAC35-60-170. Implementation of strategies.

The Office on Youth shall implement the strategies to accomplish the goals and objectives as established and authorized in the ~~Biennial Operating~~ Annual Plan.

Article 2

Personnel and Operations

6VAC35-60-180. Director.

The Office on Youth shall have one paid full-time director.

6VAC35-60-190. Support services.

The Office on Youth shall have access to clerical and other support services.

6VAC35-60-200 to 6VAC35-60-210. [Repealed]

6VAC35-60-215. ~~Personnel qualifications.~~ Staffing requirements.

The Youth Services Citizen Board, if a policy making board, or the city manager or county administrator, with the advice of the Youth Services Citizen Board if an advisory board, shall establish (i) the number of staff; (ii) a written job description for each position; and (iii) the minimum knowledge, skills and abilities required for each position.

6VAC35-60-220. [Repealed]

6 VAC 35-60-225. Staff and volunteer qualifications and training.

Staff and volunteers shall be qualified and trained for the positions and duties to which they are assigned.

Staff and volunteers who provide professional services shall be appropriately licensed or qualified as required by law.

6VAC35-60-230. [Repealed]

6VAC35-60-235. Personnel policies.

Staff of the Office on Youth shall be governed by, and have ready access to, written personnel policies and procedures.

6VAC 35-60-236. Volunteer background check

When available, Offices on Youth shall follow local policies and procedures to secure background checks for volunteers. In the absence of a local policy, Offices on Youth shall develop a policy to ensure that volunteers who provide one to one services to youth outside a group setting provide proof that there are no criminal acts or other circumstances that would be detrimental to the safety of the youth or families with whom they come in contact.

6VAC 35-60-237. Employee background check

Offices on Youth shall follow local policies and procedures in securing background checks for full-time Office on Youth staff. In the absence of a local policy covering background checks for employees, Office on Youth shall develop a policy to ensure that

employees provide proof that there are no criminal acts or other circumstances that would be detrimental to the safety of the youth or families with whom they come in contact or would compromise the integrity of the program.

6VAC35-60-240 to 6VAC35-60-270. [Repealed]

6VAC35-60-280. Statewide procedures and guidelines.

A copy of the statewide procedures and guidelines ~~manual~~ developed by the Department of Juvenile Justice shall be maintained in each Office on Youth and shall be followed when applicable procedures and policies are not provided by the local governing body or developed and approved by the Youth Services Citizen Board.

Article 3

Staff Training and Development

6VAC35-60-290. Training program.

A program of training with defined objectives relating to the job description, ~~the Biennial Operating and the Annual Plan and the Delinquency Prevention and Youth Development Plan~~ shall be written annually for each full-time position established for the Office on Youth.

6VAC35-60-300 to 6VAC35-60-310. [Repealed]

Article 4

Fiscal Management

6VAC35-60-320. Budget review.

The Youth Services Citizen Board shall review and comment on the proposed annual operating budget of the ~~Youth Services Citizen Board and the~~ Office on Youth.

6VAC35-60-330. Budget submission.

The sponsoring locality shall submit annually to the Department of Juvenile Justice the approved operating budget for the ~~Youth Services Citizen Board and~~ Office on Youth showing appropriated revenue and projected expenses for the coming year.

6VAC35-60-340 to 6VAC35-60-370. [Repealed]

6VAC35-60-380. Purchasing procedures.

The sponsoring locality's purchasing policies and procedures shall govern purchasing of supplies, materials, equipment and services.

6VAC35-60-390. ~~Quarterly~~ Semi-annual review.

The Youth Services Citizen Board shall review, at least ~~quarterly~~ twice a year, income and disbursements of the ~~Youth Services Citizen Board and~~ Office on Youth.

Article 5

Monitoring and Evaluation

~~6VAC35-60-400. — Semi-annual documentation.~~ [to be repealed; documentation would be changed to annual schedule already covered under 6 VAC 35-60-500 below.]
The director of the Office on Youth shall provide the Department of Juvenile Justice, at least ~~semi-annually~~, documentation to evaluate the accomplishment of the ~~Biennial Operating Plan~~

6VAC35-60-410. On-site ~~status report~~ monitoring review.

The director of the Office on Youth shall circulate or distribute copies of the on-site ~~status report~~ monitoring review received from the department's ~~regional program manager~~ prevention specialist to all members of the Youth Services Citizen Board and the city manager or county administrator within 45 calendar days of its receipt.

6VAC 35-60-415. Evaluation

The Office on Youth shall provide for an evaluation of program effectiveness in the annual plan.

6VAC35-60-420 to 6VAC35-60-430. [Repealed]

Part IV

Programs and Services

Article 1

Delinquency Prevention and Youth Development Plan

~~6VAC35-60-440. — Needs assessment every six years.~~ [to be repealed; covered in Code § 66-35.]

The Office on Youth shall assess the needs of youth in the jurisdiction at least every six years after the initial assessment, which shall be completed within the first two years of operation.

6VAC35-60-450. Needs assessment contents.

The assessment of the community's youth development and delinquency prevention needs and resources of youth shall include but not be limited to:

1. A detailed compilation of the problems, needs, opportunities and conditions of youth in the community that is ~~received by the regional office; and~~ based on:

Youth-service agencies' opinions;

An analysis of public opinion;

An analysis of youth attitudes and behaviors; and,

An analysis of available current archival data.

At least one of the above components shall be updated each year with the resulting updated information being incorporated into the annual plan. All four components shall be updated over a four-year cycle.

2. A comprehensive inventory of current programs and resources ~~impacting on~~ affecting youth, including:

a. Identifying information;

b. Program descriptions;

c. Clientele served; and

d. Fee requirements.

~~**6VAC35-60-460. Plan based on needs assessment.**~~ [to be repealed; covered in Code § 66-34.]

~~The Youth Services Citizen Board and the Office on Youth, in conjunction with other youth-serving agencies, including the court service unit, shall develop and approve the plan for their locality or localities based upon the written Delinquency Prevention and Youth Development Needs Assessment.~~

6VAC35-60-470. [Repealed]

~~**6VAC35-480. Distribution of needs assessment and plan.**~~ [to be repealed; the material is covered in Code and in 6VAC35-60-500.]

~~The Youth Services Citizen Board shall submit a signed copy of both the written six-year Delinquency Prevention and Youth Development Needs Assessment and the resulting plan to the local governing body or bodies and the Virginia Department of Juvenile Justice within 60 days of Youth Services Citizen Board approval.~~

~~Article 2~~

~~Biennial Operating Plan~~

~~**6VAC35-60-490. Focus of plan.**~~ [to be repealed: the focus has changed and the plan is covered in Code § 66-35 and in the definitions section.]

~~The Youth Services Citizen Board and the Office on Youth shall develop a written Biennial Operating Plan with 75% of the objectives based on the Delinquency Prevention~~

and Youth Development Plan, and a majority of the objectives based on the needs of juveniles as identified by the court service unit. The Biennial Operating Plan shall set forth goals, objectives and strategies for the Youth Services Citizen Board and Office on Youth.

~~6VAC35-60-495. Service population. [To be repealed].~~

~~A majority of the services provided through the Biennial Operating Plan objectives shall address the needs of juveniles who are eligible to receive services through the juvenile court service unit.~~

6VAC35-60-500. Annual reports.

Annually, the Youth Services Citizen Board shall submit a written report to the local governing body and send copies to the ~~regional office~~ Prevention Specialist of the Virginia Department of Juvenile Justice, ~~the director of the court service unit, and the juvenile judges,~~ regarding progress toward accomplishing the Delinquency Prevention and Youth Development Plan and the Biennial Operating meeting the goals and objectives identified in the Annual Plan.

6VAC35-60-510. [Repealed]

6VAC35-60-520. [Repealed]

6VAC35-60-530 to 6VAC35-60-570. [Repealed]

~~Article 3~~

~~Direct Service Programs~~

PART II.

STANDARDS FOR DIRECT SERVICE PROGRAMS.

Article 1.

General Requirements of Direct Service Programs and Services.

6 VAC 35-575. Applicability.

The following standards apply to direct service programs and services operated by an Office on Youth. The department shall be notified in writing of any plan to change a direct service program or service included in an Office on Youth's Annual Plan.

6VAC35-60-580. Documented need required.

The need for the Office on Youth to operate a direct service program shall be documented and be included in the ~~Delinquency Prevention and Youth Development Plan and Biennial Operating~~ Annual Plan. If there is a documented need for the Office on Youth to operate a direct service program, the ~~Biennial Operating~~ Annual Plan shall specify the description of services to be provided including target populations and an evaluation plan. ∴

1. ~~The range of services to be provided, which may include individual, group or family counseling; immediate, intensive, problem specific, in-home interventions to children and their families; parenting skills training; and other services;~~
2. ~~How these services will be made available to juveniles and their families including eligibility criteria, methods to be used, the number and type of contacts anticipated, and the factors to be considered in determining or adjusting the appropriate level and number of contacts;~~
3. ~~Who will provide the service;~~
4. ~~Documentation and record management requirements; and~~
5. ~~That the service cannot be provided by existing agencies.~~

6VAC35-60-590. [Repealed]

6VAC35-60-600. Records management.

~~When a program~~ If an Office on Youth provides direct services, the director of the Office on Youth shall develop written policy and procedure shall, at a minimum, to ensure that:

1. Juveniles' records are kept confidential;
2. Information is released only in conformity with law;
3. Records are destroyed as prescribed in regulations issued by the Virginia State Library Board; and
4. All services are provided by individuals who are appropriately licensed or certified (when appropriate to the level of service delivered), or are otherwise qualified to provide the service.

~~6VAC35-60-605. Approval of direct services.~~

~~Direct services provided by the Office on Youth shall:~~

1. ~~Be certified under applicable regulations; or~~
2. ~~In the absence of applicable regulations, be individually approved by the department's regional office to operate on a provisional basis for not more than two years, pending promulgation of appropriate regulations by the board.~~

6VAC35-60-610 to 6VAC35-60-670. [Repealed]

6 VAC 35-60-680. Limitation of contact with juveniles.

If there are indications that an individual who is providing programs or services has a physical, mental or emotional condition that might jeopardize the safety of juveniles or families, the program director may immediately require that the individual be removed from contact with juveniles or families until the situation is resolved.

6 VAC 35-60-690. Medical emergencies.

The direct service program or service shall have written policy, procedure and practice to deal with medical emergencies that might occur while a juvenile or family is in attendance at the program.

6 VAC 35-60-700. Juveniles' rights.

Juveniles shall not be excluded from a program nor be denied access to services on the basis of race, national origin, color, creed, gender, physical handicap or sexual orientation.

Juveniles shall not be subjected to:

Deprivation of drinking water or food necessary to meet daily nutritional needs except as ordered by a licensed physician for a legitimate medical purpose and documented in the juvenile's record;

Any action which is humiliating, degrading or abusive;

Corporal punishment;

Unsanitary conditions

Deprivation of access to toilet facilities;

Confinement in a room with the door so secured that the juvenile cannot open it.

6 VAC 35-60-710. Juveniles' participation in research.

Medical or pharmaceutical testing for experimentation or research is prohibited.

The program or service shall have either (i) a written policy prohibiting juveniles' participation in research or (ii) written policy, procedure and practice ensuring that juveniles' participation as subjects in human research shall be consistent with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia, with § 16.1-305 of the Code of Virginia regarding confidentiality of juvenile records, with department policy regarding juveniles' participation in research, and with such regulations as may be promulgated by the state board regarding human research.

6 VAC 35-60-720. Case management requirements.

A. For each juvenile in a direct service program or service, a separate case record shall be kept up to date and in a uniform manner.

B. The juvenile case record shall always contain:

1. Identifying and demographic information on the juvenile;

2. Court order, placement agreement or service agreement, if applicable;

3. Rules imposed by judge or probation officer, if applicable; and

Date of acceptance and release.

6 VAC 35-60-730. Incident documentation and reporting.

If an event or incident occurs which is required by department procedures to be reported, the program or service shall document and report the event or incident to the prevention specialist as required by and in accordance with department procedures.

6 VAC 35-60-740. Child abuse and neglect.

Any case of suspected child abuse or neglect shall be reported immediately to the local department of public welfare or social services as required by § 63.1-248.3 of the Code of Virginia, documented in the juvenile's record, and reported to the Department of Juvenile Justice's prevention specialist.

Article 2.

Specific Requirements for Direct Service Programs and Services.

6 VAC 35-60-750. Physical setting.

A. Each program that provides direct services to juveniles or their families shall do so in compliance with all applicable building, fire, sanitation, zoning and other federal, state and local standards and shall have premises liability insurance.

The inside and outside of all buildings shall be kept clean, in good repair and free of rubbish.

6 VAC 35-60-760. Individual service or contact plan.

Programs that provide counseling, treatment or supervision shall:

A. Develop an individual service plan for each juvenile which shall specify the number and nature of contacts between the juvenile and staff;

B. Provide the service plan information to the supervising probation or parole officer, when applicable;

Document all contacts with the juvenile, the juvenile's family and others involved with the case; and

Provide written progress reports to the referring agency at agreed upon intervals.

6 VAC 35-60-770. Emergencies and safety in juveniles' homes.

Programs that provide services in juveniles' homes shall:

A. Prescribe safety measures for staff or volunteers making field visits;

B. Provide actions for staff or volunteers to take in the event of:

1. Domestic violence;

2. Severe injury;

3. Threats or violence against staff or volunteer; and

4. Absence of life sustaining resources such as food or fuel.

6 VAC 35-60-780. Supervision of juveniles.

A. At all times that juveniles are on any premises where alternative day treatment or structured day programs are provided, there shall be at least one qualified person actively supervising who has a current first aid and CPR certification.

B. Program staff are responsible for managing juveniles' behavior, and shall not delegate this responsibility to other juveniles.

6 VAC 35-60-790. Meals.

If the program spans traditional meal times, program staff or volunteers will ensure that juveniles are provided access to nutritionally balanced meals.

6 VAC 35-60-800. Fire safety.

A. Each site to which juveniles report shall have a written fire plan developed with the consultation and approval of the appropriate local fire authority and reviewed with the local fire authority at least annually and updated if necessary.

B. At each site to which juveniles report, there shall be at least one documented fire drill each month.

Each new staff member or volunteer shall be trained in fire safety and emergency procedures before assuming supervision of juveniles.

6 VAC 35-60-810. First-aid kits.

A well stocked first-aid kit shall be available at each site to which juveniles report and in any vehicle used to transport juveniles and shall be readily accessible for minor injuries and medical emergencies.

6 VAC 35-60-820. Delivery of medication.

Written policy, procedure and practice governing the delivery of medication shall either (i) prohibit staff from delivering medication or (ii) designate staff persons authorized to deliver

prescribed medication by written agreement with a juvenile's parents; and shall either (i) permit or (ii) prohibit self-medication by juveniles.

6 VAC 35-60-830. Physical and mechanical restraint.

A. Only staff who have received department-sanctioned training may apply physical restraint, and only when a juvenile's uncontrolled behavior could result in harm to self or others and when less restrictive interventions have failed.

B. The use of physical restraint shall be only that which is minimally necessary to protect the juvenile or others.

C. Any application of physical restraint shall be fully documented in the juvenile's record as to date, time, staff involved, circumstances, reasons for use of physical restraint and extent of physical restraint used.

D. The use of chemical substances to restrain a juvenile's behavior is prohibited. The use of mechanical devices to restrain a juvenile's behavior is prohibited.

6 VAC 35-60-840. Procedural requirements for time-out.

A. A program that uses time-out shall have written policy, procedure and practice to provide that juveniles in time-out shall:

1. Be able to communicate with staff;

2. Have bathroom privileges according to need; and

3. Be served any meal scheduled during the time-out period.

B. A time-out room shall not be locked nor the door secured in any way that will prohibit the juvenile from opening it.

C. Time-out shall not be used for periods longer than 30 consecutive minutes.